

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 10-05383 (SMB)

FIFTH AMENDMENT TO CASE MANAGEMENT PLAN

WHEREAS, pursuant to Federal Rules of Civil Procedure 16 and 26, as incorporated into Federal Rules of Bankruptcy Rules 7016 and 7026, Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701, *et seq.*, and Defendant Stanley Shapiro and the other defendants named in the instant proceeding (collectively, the “Shapiro Family,” and together with the Trustee, the “Parties”) stipulated to the Case Management Plan, which was entered by

this Court on March 31, 2016 (ECF No. 68), the First Amendment to the Case Management Plan, which was entered by this Court on September 30, 2016 (ECF No. 71), the Second Amendment to the Case Management Plan, which was entered by this Court on December 27, 2016 (ECF No. 72), the Third Amendment to the Case Management Plan, which was entered by this Court on June 22, 2017 (ECF No. 76), and the Fourth Amendment to the Case Management Plan, which was entered by this Court on February 1, 2018 (ECF No. 90);

WHEREAS, the Parties seek additional time to complete fact discovery, to make disclosures of expert testimony under Rule 26(a)(2) of the Federal Rules of Civil Procedure, to make disclosures of opposition expert testimony under Rule 26(a)(2) of the Federal Rules of Civil Procedure, and to depose expert witnesses.

NOW THEREFORE, it is hereby stipulated and agreed, by and between the undersigned counsel, that:

(i) the fact discovery cut-off under the Fourth Amendment to the Case Management Plan shall be extended from September 30, 2018 to **January 31, 2019**;

(ii) the deadline for the Parties to make disclosures of expert testimony under the Fourth Amendment to the Case Management Plan shall be extended from November 30, 2018 to **March 31, 2019**;

(iii) the deadline for the Parties to make disclosures of opposition expert testimony under the Fourth Amendment to the Case Management Plan shall be extended from December 31, 2018 to **April 30, 2019**; and

(iv) the deadline for the Parties to depose expert witnesses under the Fourth Amendment to the Case Management Plan shall be extended from March 30, 2019 to **July 31, 2019**.

All other discovery and further deadlines provided for in the Case Management Plan and amendments thereto shall remain unchanged.

There will be no further extensions. [SMB: 9/12/18]

Dated: September 7, 2018
New York, New York

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Attorneys for Defendants

SO ORDERED this **12th** day of **September**, 2018.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE